TABLE OF CONTENTS
SH 2308622

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: August 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2308622/IV2339147
Incident:	Hit Shooting
Incident Date:	March 8, 2012
Unit:	Narcotics Bureau
Suspects:	Jose S. Ortiz, MH/06-28-87 Armando F. Corado, MH/02-27-89
Involved Employees:	Deputy David Faria, #[redacted] Deputy Rudy Contreras, #[redacted]
EFRC Date:	August 8, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Detectives working as part of the California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET) were working on information that a narcotics deal involving a large amount of methamphetamine was going to occur on that date in the city of Hawaiian Gardens.

As the team was responded to the location to set up their surveillance, they were advised the transaction had already occurred prior to their arrival and two suspects were seen driving away in a black Lexus (suspect vehicle).

Members of the team immediately located the suspect vehicle and began a surveillance of the vehicle. The vehicle began driving through the residential neighborhood and appeared to be trying to determine if they were being followed.

During the surveillance, the suspect vehicle began following some of the surveillance vehicles. The vehicle would drive closely behind a surveillance vehicle in an attempt to make the occupants react. The counter surveillance went on for approximately ten minutes.

The suspects began following an undercover van driven by an officer from another agency. The officer advised his team he was being followed closely by the suspects. One of the detectives told the units they were going to terminate the surveillance and return to the target location to see if the suspects returned.

The detective instructed the officer to turn in hopes the suspect vehicle would continue past the officer; however, the suspects continued to follow closely behind him. The detective believed they had been identified as police by the suspects and told the units to conduct a traffic stop of the vehicle.

The officer was instructed to stop his vehicle at the next available stop sign. The suspect vehicle stopped directly behind the officer and both detectives stopped their vehicles directly behind the suspect vehicle. This traffic stop occurred directly in front of a school.

Both detectives exited their vehicles as the officer in the lead vehicle exited his vehicle and approached the suspect vehicle. With his gun drawn, the officer identified himself as a peace officer. The suspects in their vehicle drove toward the officer and attempted to run him down. In fear for his life, the officer fired three rounds at the suspects.

The team followed the suspect vehicle as it turned into the parking lot of a school. As one of the detectives drove into the parking lot, he saw the suspect vehicle driving south in the parking lot toward him very fast. Believing the suspects were going to ram him, he swerved away from the approaching suspect vehicle and fired one round from his duty weapon at the suspects through his open driver's window in an attempt to stop the suspects. The round struck the suspect vehicle.

The other detective stopped his vehicle and got out at the south end of the parking lot believing the suspects may abandon their vehicle and necessitate him having to set up a containment.

This detective saw the suspect vehicle speeding toward him at approximately 50 mph. Having heard a gunshot, but not seeing the other detective at that point, he believed the suspects were shooting at him in an attempt to get away. Believing the suspect vehicle was going to ram him, he fired one round at the driver in an attempt to stop the vehicle. The shot appeared to strike the front windshield.

The suspect vehicle continued out of the school parking lot and ultimately collided with a Lakewood patrol unit working the Hawaiian Gardens area and an unoccupied parked vehicle. Both suspects were subsequently detained and arrested. Both suspects were found to have gunshot wounds to their upper torsos.

The EFRC determined the force used against the uncooperative and armed (vehicle) suspect was reasonable and justified. The EFRC also determined the tactics were not within Department policy.

The EFRC deemed as **Founded** the allegation that Deputy David Faria, #[redacted] was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty Subject Faria failed to conform to the work standards established for his position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to the following:

a. directing personnel to perform a traffic stop of a fleeing armed suspect who drove his vehicle into a parking lot of a school and where the incident evolved into a deputy involved shooting where civilians were in close proximity to, or in the actual field of fire, and/or;

b. failing to communicate and coordinate the enforcement team's and the area patrol station personnel's response to an armed suspect who was fleeing in a vehicle to avoid possible cross fire and/or avoid traffic concerns which subsequently resulted in a deputy involved shooting and vehicle collision with a patrol vehicle and the suspect's vehicle, and/or;

c. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that he and other personnel from the enforcement team were engaged in a shooting, and/or;

d. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that he and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

e. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as mandated by policy when he was engaged in a vehicle pursuit, including the type of vehicle he was driving.

RECOMMENDATIONS:

The EFRC recommended Deputy David Faria, #[redacted] receive a **one (1) day suspension** with the option of Education Based Discipline as an alternative. The EFRC decided to mitigate the discipline, which would normally be a three day suspension, based upon the rapidly evolving circumstances in this case. The EFRC also recommended the unit commander, Captain Roderick A. Kusch, conduct a tactical debriefing with all involved regarding the unique circumstances of this incident.

BDD:JER:jer

761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 19, 2013
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OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: RODERICK A. KUSCH, CAPTAIN
NARCOTICS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

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RECOMMENDATIONS:

The EFRC recommended Deputy Rudy Contreras, #[redacted] receive a **one (1) day suspension** with the option of Education Based Discipline as an alternative. The EFRC decided to mitigate the discipline, which would normally be a three day suspension, based upon the rapidly evolving circumstances in this case. The EFRC also recommended the unit commander, Captain Roderick A. Kusch, conduct a tactical debriefing with all involved regarding the unique circumstances of this incident.

BDD:JER:jer

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date: 3-26-13	Bureau/Station/Facility: Narcotic Bureau	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 012-00484-3674-057	Date: March 8, 2012 — Time: 1530 Hours
City or Station: Lakewood Station	Nature of Incident: Detectives from Narcotics Bureau's CAL-MMET team were conducting surveillance in the Hawaiian Gardens area. During the surveillance they became engaged in a officer involved shooting. Two suspects were arrested, no deputies hurt.
Location: 215th Street/Elaine Avenue Hawaiian Gardens, CA	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, **Parking Lot**, Residence, Rural, **School**, **Street**, Other: ______

Lighting (*circle only one*): Darkness, **Daylight**, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance:

Incident Type (*circle one or more*): Accidental, Armed Person, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, **Moving Vehicle**, Sniper/Ambush, Startle, Struggle Involved, **Traffic Stop**, Unarmed Person, Unintentional, **Vehicle Pursuit**, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, **Other**, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **Other**, Routine Patrol

Total # of Shots Fired by Deputy: 2

Total # of Shots Fired by Suspect: None

Aero Unit? ☒ Canine Unit? ☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]		
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph [redacted]	Home Ph [redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]		
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph [redacted]	Home Ph [redacted]
Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]		
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph [redacted]	Home Ph [redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Bearse	Cynthia	K	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Paul	Steve	

PSTD Use Only

SH # ______

SH-R-438A rev. 3/07

See Reverse

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
3-8-12	1700	3-12-12	

Employee #	Last Name	First Name	M.I
[redacted]	Vaughan	Stephen	D
[redacted]	Velasquez	Hector	
[redacted]	Hamil	Jeffrey	F

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	OV					NN	
E#1	S#1	FH	GL	40	Y	Y	GS	AR
S#1	E#2	OV					NN	
E#2	S#1	FH	BR	9	Y	Y	GS	AR

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 012-00484-3674-057

Involved Employee

E 1

Employee # [redacted]	Last Name: Faria	First Name: David	M.I.
Sex: M Race: H	Rank: Detective	Unit Assignment: Narcotics Bureau	Work Assignment (Unit #, Module, etc.): Calmmet
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 510	Weight: 240		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Heckler and Koch	Caliber: 45	# Shots: 1	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E 2

Employee # [redacted]	Last Name: Contreras	First Name: Rudy	M.I.
Sex: M Race: H	Rank: Detective	Unit Assignment: Narcotics Bureau	Work Assignment (Unit #, Module, etc.): Calmmet
ShiftTime (*circle only one*): EM (PM) Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age: [redacted] Height: 508	Weight: 195		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted] Directed Force: [redacted]
Weapons Fired Brand: Beretta 92FS	Caliber: 9	# Shots: 1	Weapons Fired Brand: Caliber: # Shots:
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp #	Last Name	First Name	M.I.

E 3

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Plain Clothes w/ Vest / Raid Jacket no Vest / Raid Jacket w/ Vest / Uniform no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: Caliber # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting Suspect Information

URN: 012-00484-3674-057

Suspect Information

S 1

Last Name: Ortiz		First Name: Jose	M.I.: S
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: CA [redacted]
Work Phone:	Home Phone:	Social Security #: [redacted]	Driver's License #: [redacted]
Age: 24 D.O.B. 06-28-87	Height: 506 Weight: 189	FBI #: [redacted]	CII #: [redacted]
Booking #: 3078820	Primary Charge: 664/187 P.C.	Secondary Charge: 2800.1 CVC	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Lexus		Model: ES300	Year: 2002

S 2

Last Name: Corado		First Name: Armando	M.I.: F
AKA Last Name:		First Name:	M.I.:
Sex: M Race: H	Street Address: [redacted]	City: [redacted]	State & Zip Code: CA [redacted]
Work Phone:	Home Phone:	Social Security #:	Driver's License #: [redacted]
Age: 22 D.O.B. 02-27-89	Height: 509 Weight: 220	FBI #: [redacted]	CII #: [redacted]
Booking #: 3078823	Primary Charge: 187 P.C.	Secondary Charge: 245(c) P.C.	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Lexus		Model: ES300	Year: 2002

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

S__

Last Name:		First Name:	M.I.:
AKA Last Name:		First Name:	M.I.:
Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name [redacted]	First Name [redacted]		M.I. [redacted]
Street Address [redacted]	Zip Code [redacted]	Work Ph	Home Ph [redacted]
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

761551N25A - SH - AD - 32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

Date: September 24, 2012
File No.: 012-00484-3674-057

FROM: WILLIAM J. MCSWEENEY, CHIEF DETECTIVE DIVISION
TO: LEROY D. BACA SHERIFF

SUBJECT: **LETTER OF OPINION ON DEPUTY INVOLVED SHOOTING**

The attached Letter of Opinion was received from the District Attorney's Office regarding the case involving La Verne Police Officer [redacted] # [redacted] and Deputies David Faria # [redacted], and Rudy Contreras # [redacted].

STATION: Lakewood

DATE / TIME OF SHOOTING: March 8, 2012, 1530 Hours

SUSPECT #1: ORTIZ, Jose
MH/20 (Injured – In – Custody)

SUSPECT #2: CORADO, Armando Flores
MH/20 (Injured – In – Custody)

LOCATION: 215th Street/Elaine Avenue
Hawaiian Gardens

DISTRICT ATTORNEY'S CONCLUSION:

"The evidence examined in this investigation shows that the CAL-METT team members were watching suspected major drug traffickers believed to have recently delivered a large amount of illegal drugs to a residence. When the Lexus left the suspected stash house, Ortiz's counter surveillance driving maneuvers supported the team members' belief that he and his passenger Corado were involved in drug distribution. When Ortiz began brazenly tailgating the team members' surveillance vehicles, it became more apparent to the officers that they were dealing with potentially dangerous criminals with no fear of law enforcement. Based on his training and Ortiz's driving, Officer [redacted] reasonably feared for his safety when Ortiz "bumper locked" his vehicle. The team members' decision to conduct a traffic stop on Ortiz to diffuse the situation was reasonable. Deputies Faria and Contreras activated their emergency lights and Contreras briefly sounded his siren. Officer [redacted] and Deputy Faria exited with their badges and service weapons displayed, verbally identifying themselves as law enforcement officers and ordering Ortiz and Corado to show their hands."

"Ignoring the orders, Ortiz drove towards Officer [redacted]. Reasonably believing that Ortiz was about to run him over, [redacted] fired a volley of shots at Ortiz. Ortiz fled with his driver's window shattered."

"As Ortiz was driving toward Deputies Faria and Contreras, it was clear to the deputies that Ortiz was a dangerous individual willing to resort to deadly force to effectuate his escape and presented a danger to the community. The deputies were reasonable in believing that Ortiz was about to collide into them as he was driving between their vehicles. In reasonable fear for their lives, the deputies each fired one round at Ortiz. Ultimately, Ortiz and Corado collided into a pickup truck and were captured, ending any further threat to the team members and the community."

"Given the rapidly evolving, life threatening situation that confronted Officer [redacted] and Deputies Faria and Contreras, we conclude that they acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter."

WJM:DS:no



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JACQUELYN LACEY • Chief Deputy District Attorney
PATRICK R. DIXON • Assistant District Attorney

JANICE L. MAURIZI • Director

July 23, 2012

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. File #12-0174
L.A.S.D. File #012-00484-3674-057

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the March 8, 2012, non-fatal shooting of Jose Saul Ortiz and Armando Flores Corado by La Verne Police Department Officer [redacted] and Los Angeles County Sheriff's Department (LASD) Deputies David Faria and Rudy Contreras. We have concluded that Officer [redacted] and Deputies Faria and Contreras acted lawfully in self-defense and defense of others.

The District Attorney Command Center was notified of the shooting at approximately 5:25 p.m., on March 8, 2012. The District Attorney Response Team, comprised of Deputy District Attorney Jason Lustig and District Attorney Senior Investigator Rick Myers, responded to the location. They were given a briefing of the circumstances surrounding the shooting and a walk-through of the scene.

The following analysis is based upon investigative reports, evidence reports and witness statements taken during the investigation by the LASD and submitted to this office by Detectives Jeffrey Leslie and Adan Torres. Compelled statements were not considered in this analysis.

FACTUAL ANALYSIS

On March 8, 2012, Officer [redacted] and Deputies Faria and Contreras were working as part of the California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET), a drug task force comprised of officers from federal and state police agencies. The team members were conducting a surveillance of a residence on 211th Street in the City of Hawaiian Gardens where they had information that a large methamphetamine delivery was going to occur. One team

Clara Shortridge Foltz Criminal Justice Center
210 West Temple Street
Los Angeles, CA 90012-3210
(213) 974-3888
WEBSITE: http://da.co.la.ca.us

member was in a position to see the residence while the rest of the team members were nearby in separate unmarked police vehicles ready to respond to the residence or follow any vehicles.

At approximately 3:00 p.m., Officer [redacted] heard over his radio that a black Lexus with two occupants (the driver later identified as Ortiz and the passenger as Corado) was leaving the location and the team began a mobile surveillance. While being followed by team members, Ortiz used counter surveillance driving, making abrupt U-turns on residential streets. Officer [redacted] heard this information from his partners. At one point, [redacted] followed the Lexus for about 200 yards and saw Ortiz make a U-turn in the middle of the street and drive past him. After losing sight of the Lexus for a short while, [redacted] saw it following another undercover vehicle. Both vehicles drove next to [redacted] When the other undercover vehicle turned right, Ortiz switched lanes and began following closely behind [redacted] who had turned left. Ortiz's driving led [redacted] to believe that Ortiz knew that [redacted] was among the group following him. [redacted] thought that Ortiz might be trying to ambush him, so he requested assistance.[1] With Ortiz still closely following him, [redacted] slowly turned east on 215th Street and saw that Deputies Faria and Contreras, in separate vehicles, were now following the Lexus. The team members decided to stop Ortiz by boxing in the Lexus between their vehicles, a common tactic.

When [redacted] stopped his vehicle at a cross walk, Ortiz stopped behind him and Deputy Faria, with his emergency lights on, stopped behind Ortiz. Deputy Contreras stopped behind Faria with his emergency lights and briefly activated the siren. Deputy Faria exited his vehicle with his badge hung around his neck. He yelled "Sheriffs, let me see your hands!" At the same time, [redacted] exited, put his badge over his neck, approached the Lexus with his service weapon in his hand and ordered Ortiz out of the car. While standing between his vehicle and the Lexus, [redacted] pointed his weapon at Ortiz and ordered, "Police! Let me see your hands!" Ortiz kept his hands on the steering wheel as [redacted] continued to yell commands. The rear of [redacted] vehicle was three feet from the front of the Lexus. Ortiz revved the engine, reversed and then accelerated forward towards [redacted] Believing that Ortiz intended to wedge him against his vehicle, [redacted] jumped sideways and fired three times at Ortiz who veered around the passenger side of [redacted] vehicle and sped away.[2] [redacted] shots shattered the driver's window of the Lexus. [redacted] got back in his vehicle, activated his emergency lights and siren, and pursued the Lexus.

With the team members in pursuit with their emergency lights and sirens on, Ortiz drove north on Elaine Avenue, made a U-turn at the dead end and entered the north driveway of a school parking lot. Deputies Faria and Contreras positioned their vehicles with emergency lights on, at the south driveway, intending to block his exit. As Ortiz sped straight at them, Deputy Contreras

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[1] Other team members also believed that [redacted] was in danger. Those involved in the distribution of large amounts of illegal drugs have been known to "bumper lock" investigating law enforcement officers while calling other associates to plan an attack on the police following them. The team members had been briefed recently on this issue.

[2] [redacted] was armed with a Glock model 23, .40 caliber semiautomatic handgun.

swerved to avoid a collision and fired once out of his driver's window at Ortiz.[3] At the same time, Deputy Faria, standing outside of his vehicle, fired his service weapon at Ortiz.[4] Ortiz drove between the deputies' vehicles and continued east on 214th Street. While making a right turn south on Horst Avenue, Ortiz collided into the driver's side of a marked LASD patrol vehicle traveling north on Horst Avenue.[5] With [redacted] still in pursuit, Ortiz continued south on Horst Avenue. As Ortiz turned left onto 216th Street, he collided into the back of a pickup truck parked at the south curb. Ortiz and Corado exited the Lexus bleeding from wounds and followed orders to lie face down on the street where they were handcuffed.

Paramedics transported Ortiz and Corado to Long Beach Memorial Hospital. Ortiz sustained gunshot wounds to his neck and right elbow. Corado sustained a gunshot wound to his left torso area.

In a hidden compartment behind the front dash panel of the Lexus, investigators recovered $10,000 in $100 bills, a digital scale and 3.59 grams of methamphetamine. A box of rubber gloves was also recovered from the vehicle. During a search of the 211th Street residence, investigators recovered two boxes containing a total of approximately 29 pounds of methamphetamine, an assault rifle, 2 semiautomatic handguns and other drug distribution paraphernalia.

In case number BA394921, the District Attorney's Office filed felony counts for assault with a deadly weapon on a peace officer and illegal drug distribution against Ortiz and Corado. On July 18, 2012, they were held to answer on all counts after the preliminary hearing.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams* (1977) 75 Cal.App.3d 731.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions* 3470. If the person's beliefs were reasonable, the danger does not need to have actually existed. *Id.*

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[3] Deputy Contreras estimated the speed of the Lexus to be 40 to 50 miles per hour. He was armed with a Beretta model 92F, 9mm semiautomatic handgun.

[4] Faria fired once from a Heckler & Koch, model USP, .45 caliber semiautomatic handgun.

[5] Lakewood Sheriff's Station Patrol Deputies Allende and Machuca were in the area and trying to locate the source of the gunshots at the time of the collision. They estimated that Ortiz was traveling 45 to 50 miles per hour before colliding into them.

When the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins* (1961) 189 Cal. App.3d 575.

The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight. . . . The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation. *Graham v. Conner* (1989) 490 U.S. 386, 396-397.

CONCLUSION

The evidence examined in this investigation shows that the CAL-METT team members were watching suspected major drug traffickers believed to have recently delivered a large amount of illegal drugs to a residence. When the Lexus left the suspected stash house, Ortiz's counter surveillance driving maneuvers supported the team members' belief that he and his passenger Corado were involved in drug distribution. When Ortiz began brazenly tailgating the team members' surveillance vehicles, it became more apparent to the officers that they were dealing with potentially dangerous criminals with no fear of law enforcement. Based on his training and Ortiz's driving, Officer [redacted] reasonably feared for his safety when Ortiz "bumper locked" his vehicle. The team members' decision to conduct a traffic stop on Ortiz to diffuse the situation was reasonable. Deputies Faria and Contreras activated their emergency lights and Contreras briefly sounded his siren. Officer [redacted] and Deputy Faria exited with their badges and service weapons displayed, verbally identifying themselves as law enforcement officers and ordering Ortiz and Corado to show their hands. Ignoring the orders, Ortiz drove towards Officer [redacted]. Reasonably believing that Ortiz was about to run him over [redacted] fired a volley of shots at Ortiz. Ortiz fled with his driver's window shattered.

As Ortiz was driving toward Deputies Faria and Contreras, it was clear to the deputies that Ortiz was a dangerous individual willing to resort to deadly force to effectuate his escape and presented a danger to the community. The deputies were reasonable in believing that Ortiz was about to collide into them as he was driving between their vehicles. In reasonable fear for their lives, the deputies each fired one round at Ortiz. Ultimately, Ortiz and Corado collided into a pickup truck and were captured, ending any further threat to the team members and the community.

Given the rapidly evolving, life threatening situation that confronted Officer [redacted] and Deputies Faria and Contreras, we conclude that they acted lawfully in self-defense and defense of others. We are therefore closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

JASON P. LUSTIG
Deputy District Attorney
(213) 974-3888

c: La Verne Police Officer [redacted] # [redacted]
LASD Deputy Anthony Faria # [redacted]
LASD Deputy Rudy Contreras # [redacted]



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

November 20, 2013

Deputy David Faria, #[redacted]

Dear Deputy Faria:

On August 26, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2339147. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated November 3, 2013, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of one (1) day. However, pursuant to the EBD agreement, the one (1) day will be held in abeyance for a period of twelve (12) months which will end on November 2, 2014. All Department records will reflect, nevertheless, that you received a one (1) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the one (1) day held in abeyance will be imposed.

An investigation under File Number IAB 2339147, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated

Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty, you failed to conform to the work standards established for your position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to:

a. directing personnel to perform a traffic stop of a fleeing armed suspect who drove his vehicle into a parking lot of a school and where the incident evolved into a deputy involved shooting where civilians were in close proximity to, or in the actual field of fire, and/or;

b. failing to communicate and coordinate the enforcement team's and the area patrol station personnel's response to an armed suspect who was fleeing in a vehicle to avoid possible cross fire and/or avoid traffic concerns which subsequently resulted in a deputy involved shooting and vehicle collision with a patrol vehicle and the suspect's vehicle, and/or;

c. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that you and other personnel from the enforcement team were engaged in a shooting, and/or;

d. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that you and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

e. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as

mandated by policy when you were engaged in a vehicle pursuit, including the type of vehicle you were driving.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Roderick A. Kusch, Captain
Narcotics Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RAK:AEA:md

c: Advocacy Unit
William J. Mc Sweeney, Chief, Detective Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Narcotics Bureau/unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



August 26, 2013

Deputy David Faria, #[redacted]

Dear Deputy Faria:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of one (1) day.

An investigation under IAB File Number IV2339147, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty, you failed to conform to the work standards established for your position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to:

a. directing personnel to perform a traffic stop of a fleeing armed suspect who drove his vehicle into a parking lot of a school and where the incident evolved into a deputy involved shooting where civilians were in close proximity to, or in the actual field of fire, and/or;

b. failing to communicate and coordinate the enforcement team's and the area patrol station personnel's response to an armed suspect who was fleeing in a vehicle to avoid possible cross fire and/or avoid traffic concerns which subsequently resulted in a deputy involved shooting and vehicle collision with a patrol vehicle and the suspect's vehicle, and/or;

c. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that you and other personnel from the enforcement team were engaged in a shooting, and/or;

d. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that you and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

e. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as mandated by policy when you were engaged in a vehicle pursuit, including the type of vehicle you were driving.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Brenda Stewart, of Internal Affairs Bureau, at (323) 890-5313, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Roderick A. Kusch, Captain
Narcotics Bureau

RAK:AEA:bs

c: Advocacy Unit
Employee Relations Unit
Chief William J. Mc Sweeney, Detective Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2339147)



Leroy D. Baca, Sheriff

County of Los Angeles

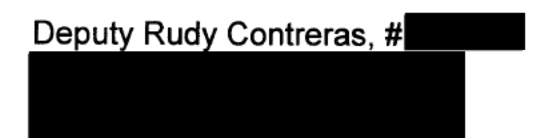
Sheriff's Department Headquarters

4700 Ramona Boulevard
Monterey Park, California 91754-2169



November 20, 2013

Deputy Rudy Contreras, #[redacted]


[redacted]

Dear Deputy Contreras:

On August 27, 2013, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2339147. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated November 3, 2013, you are suspended without pay from your position of Deputy Sheriff, Item No.2708A, with this Department for a period of one (1) day. However, pursuant to the EBD agreement, the one (1) day will be held in abeyance for a period of twelve (12) months which will end on November 2, 2014. All Department records will reflect, nevertheless, that you received a one (1) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the one (1) day held in abeyance will be imposed.

An investigation under File Number IAB 2339147, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated

Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty, you failed to conform to the work standards established for your position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to:

a. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that you and other personnel from the enforcement team were engaged in a shooting, and/or;

b. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that you and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

c. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as mandated by policy when you were engaged in a vehicle pursuit, including the type of vehicle you were driving.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference."

Prior to imposing this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Roderick A. Kusch, Captain
Narcotics Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RAK:AEA:md

c: Advocacy Unit
William J. Mc Sweeney, Chief, Detective Division
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Narcotics Bureau/unit Personnel File



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



Leroy D. Baca, Sheriff

August 27, 2013

Deputy Rudy Contreras, #[redacted]

Dear Deputy Contreras:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of one (1) day.

An investigation under IAB File Number IV2339147, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Department's Manual of Policy and Procedures, Sections 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty, you failed to conform to the work standards established for your position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when you failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to:

a. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that you and other personnel from the enforcement team were engaged in a shooting, and/or;

b. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that you and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

c. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as mandated by policy when you were engaged in a vehicle pursuit, including the type of vehicle you were driving.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Brenda Stewart, of Internal Affairs Bureau, at (323) 890-5313, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Roderick A. Kusch, Captain
Narcotics Bureau

RAK:AEA:bs

c: Advocacy Unit
Employee Relations Unit
Chief William J. Mc Sweeney, Detective Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2339147)

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB 2339147.***

8/27/13

Date

8/27/13

RUDY CONTRERAS, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***RUDY CONTRERAS.***

8-27-13

Date

WITNESS SIGNATURE

RODERICK A. KUSCH, CAPT.
#[redacted]

WITNESS PRINT

Please return this page within two (2) business days to:

MAGGIE DIXON
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5314

DISPOSITION WORKSHEET

Re: IAB IV 2339147
Subject: Faria, David #[redacted]
Investigator: Hector Velasquez, Internal Affairs Bureau
Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty Subject Faria failed to conform to the work standards established for his position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to the following:

    a. directing personnel to perform a traffic stop of a fleeing armed suspect who drove his vehicle into a parking lot of a school and where the incident evolved into a deputy involved shooting where civilians were in close proximity to, or in the actual field of fire, and/or;

    b. failing to communicate and coordinate the enforcement team's and the area patrol station personnel's response to an armed suspect who was fleeing in a vehicle to avoid possible cross fire and/or avoid traffic concerns which subsequently resulted in a deputy involved shooting and vehicle collision with a patrol vehicle and the suspect's vehicle, and/or;

    c. failing to broadcast on a Sheriff's Communications Center access channel and

timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that he and other personnel from the enforcement team were engaged in a shooting, and/or;

d. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that he and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

e. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as mandated by policy when he was engaged in a vehicle pursuit, including the type of vehicle he was driving.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct **Standard Discipline**

Performance to Standards W/R to Discharge

Obedience to Laws, Regulations, and Orders W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
__X__ **Suspension with loss of pay and benefits for __1__ days**
_____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

DISPOSITION WORKSHEET

Re: IAB IV 2339147
Subject: Contreras, Rudy #[redacted]
Investigator: Hector Velasquez, Internal Affairs Bureau
Advocate: Paul Patterson, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty Subject Contreras failed to conform to the work standards established for his position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to the following:

    a. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that he and other personnel from the enforcement team were engaged in a shooting, and/or;

    b. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that he and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

    c. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as

mandated by policy when he was engaged in a vehicle pursuit, including the type of vehicle he was driving.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ **Charge founded as delineated**
_____ **Charge founded as modified**
_____ **Charge unresolved**
_____ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised December 14, 2009) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	**Standard Discipline**
Performance to Standards	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**

_____ **Reduction in Rank**
__X_ **Suspension with loss of pay and benefits for __1__ days**
_____ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: August 19, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2308622/IV2339147
Incident:	Hit Shooting
Incident Date:	March 8, 2012
Unit:	Narcotics Bureau
Suspects:	Jose S. Ortiz, MH/06-28-87 Armando F. Corado, MH/02-27-89
Involved Employees:	Deputy David Faria, #[redacted] Deputy Rudy Contreras, #[redacted]
EFRC Date:	August 8, 2013

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

Detectives working as part of the California Multi-Jurisdictional Methamphetamine Enforcement Team (CAL-MMET) were working on information that a narcotics deal involving a large amount of methamphetamine was going to occur on that date in the city of Hawaiian Gardens.

As the team was responded to the location to set up their surveillance, they were advised the transaction had already occurred prior to their arrival and two suspects were seen driving away in a black Lexus (suspect vehicle).

Members of the team immediately located the suspect vehicle and began a surveillance of the vehicle. The vehicle began driving through the residential neighborhood and appeared to be trying to determine if they were being followed.

During the surveillance, the suspect vehicle began following some of the surveillance vehicles. The vehicle would drive closely behind a surveillance vehicle in an attempt to make the occupants react. The counter surveillance went on for approximately ten minutes.

The suspects began following an undercover van driven by an officer from another agency. The officer advised his team he was being followed closely by the suspects. One of the detectives told the units they were going to terminate the surveillance and return to the target location to see if the suspects returned.

The detective instructed the officer to turn in hopes the suspect vehicle would continue past the officer; however, the suspects continued to follow closely behind him. The detective believed they had been identified as police by the suspects and told the units to conduct a traffic stop of the vehicle.

The officer was instructed to stop his vehicle at the next available stop sign. The suspect vehicle stopped directly behind the officer and both detectives stopped their vehicles directly behind the suspect vehicle. This traffic stop occurred directly in front of a school.

Both detectives exited their vehicles as the officer in the lead vehicle exited his vehicle and approached the suspect vehicle. With his gun drawn, the officer identified himself as a peace officer. The suspects in their vehicle drove toward the officer and attempted to run him down. In fear for his life, the officer fired three rounds at the suspects.

The team followed the suspect vehicle as it turned into the parking lot of a school. As one of the detectives drove into the parking lot, he saw the suspect vehicle driving south in the parking lot toward him very fast. Believing the suspects were going to ram him, he swerved away from the approaching suspect vehicle and fired one round from his duty weapon at the suspects through his open driver's window in an attempt to stop the suspects. The round struck the suspect vehicle.

The other detective stopped his vehicle and got out at the south end of the parking lot believing the suspects may abandon their vehicle and necessitate him

having to set up a containment. This detective saw the suspect vehicle speeding toward him at approximately 50 mph. Having heard a gunshot, but not seeing the other detective at that point, he believed the suspects were shooting at him in an attempt to get away. Believing the suspect vehicle was going to ram him, he fired one round at the driver in an attempt to stop the vehicle. The shot appeared to strike the front windshield.

The suspect vehicle continued out of the school parking lot and ultimately collided with a Lakewood patrol unit working the Hawaiian Gardens area and an unoccupied parked vehicle. Both suspects were subsequently detained and arrested. Both suspects were found to have gunshot wounds to their upper torsos.

The EFRC determined the force used against the uncooperative and armed (vehicle) suspect was reasonable and justified. The EFRC also determined the tactics were not within Department policy.

The EFRC deemed as **Founded** the allegation that Deputy Rudy Contreras, #[redacted] was in violation of the Department's Manual of Policy and Procedures, Section(s) 3-01/050.10, Performance to Standards (specifically pertaining to 5-06/105.00 Tactical Incidents); and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders (specifically pertaining to 5-09/210.02, Initiation of a Pursuit; and/or 5-09/210.04, Pursuits Involving Police Motorcycles, Non Pursuit-Rated Police Vehicles or Vehicles Not Equipped With Overhead Emergency Lights, Or Marked Police Vehicles), on or about March 8, 2012, while on duty Subject Contreras failed to conform to the work standards established for his position as a detective participating with the California Multi-Jurisdictional Methamphetamine Enforcement Team, while assigned to the Narcotics Bureau, when he failed to employ sound tactical principles and engage a threat in the safest manner during a tactical dilemma which evolved into a deputy involved shooting and vehicle pursuit incident as evidenced by, but not limited to the following:

a. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the area patrol station that he and other personnel from the enforcement team were engaged in a shooting, and/or;

b. failing to broadcast on a Sheriff's Communications Center access channel and timely advise Sheriff's Communication Center personnel and personnel from the local patrol station that he and other personnel from the enforcement team were engaged in a vehicle pursuit, and/or;

c. failing to broadcast on a Sheriff's Communications Center access channel and provide the area watch commander with the necessary pursuit information as mandated by policy when he was engaged in a vehicle pursuit, including the type of vehicle he was driving.

RECOMMENDATIONS:

The EFRC recommended Deputy Rudy Contreras, #[redacted], receive a **one (1) day suspension** with the option of Education Based Discipline as an alternative. The EFRC decided to mitigate the discipline, which would normally be a three day suspension, based upon the rapidly evolving circumstances in this case. The EFRC also recommended the unit commander, Captain Roderick A. Kusch, conduct a tactical debriefing with all involved regarding the unique circumstances of this incident.

BDD:JER:jer